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SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA

Letter dated 29 November 1993 from the Permanent Representative of Latvia to the United Nations addressed to the Secretary-General

I have the honour to transmit written comments prepared by the Human Rights Committee of the Saeima (Parliament) of Latvia regarding the recommendations found in the report of the United Nations fact-finding mission, which visited Latvia from 27 to 30 October 1992 (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly under item 115 of the agenda of the forty-eighth session.

(Signed) Aivars BAUMANIS
Permanent Representative

Annex

Comments by the Human Rights Committee of the Saeima (Parliament) of Latvia regarding the recommendations contained in the report of the United Nations fact-finding mission which visited Latvia from 27 to 30 October 1992

Recommendation 26 (a)

On 25 November the Latvian Saeima (Parliament) considered and debated the five existing draft legislative bills on citizenship (drafts were submitted by the governing coalition of Latvia's Way and Latvia's Farmers' Union, LNNK - the Latvian National Independence Movement, Fatherland and Freedom, Harmony for Latvia and the Equal Rights factions). These five draft bills had previously been sent to the Saeima standing committees for review and were then debated at the 25 November plenary session. The Saeima plenary session voted by secret ballot to adopt the governing coalition's (Latvia's Way and Latvia's Farmers' Union) draft bill as the basis for the second reading (53 votes in favour to 28 against with 6 abstentions).

The governing coalition has committed itself to incorporate as much as possible from the LNNK and the Harmony for Latvia drafts, in order to achieve a broader acceptance of the draft citizenship law in the second and third readings. Previously, the Latvian Government had committed itself to send the draft citizenship law to Council of Europe legal experts for their review and comments. This review will be requested before the second reading.

The second reading may be held in late January or early February 1994, owing to the need to amend the governing coalition's bill and receive the Council of Europe recommendations prior to the second reading. The third and final reading may be sometime in March 1994.

The governing coalition has agreed with the LNNK request (supported by most of the other factions in the Saeima) to submit the finalized Saeima citizenship bill to a vote of the citizens' referendum. Under paragraphs 72 to 74 of the Latvian Constitution, the citizenship law is not prohibited from being submitted to the citizens for their approval at a citizens' referendum. Within seven days of the final reading/acceptance of the draft law by the Saeima, one third of the Saeima members may petition the President of Latvia to suspend the law for a two-month period. During these two months one tenth of the registered Latvian voters must petition for such a referendum. If a referendum is requested, then one half of the eligible voters (those who participated in the previous Saeima elections) must vote in the referendum for it to be valid. Unless one half of the participating voters plus one reject the law at the referendum, the President will sign and accept the law as final.

On 25 November the Saeima approved the first reading of the law to reinstate the rights to such a citizens' referendum (as provided by paragraphs 72 to 74 of the Constitution) and stated that the second reading should be held only after the necessary amendments to the Constitution (changing voting age from 21 to 18 years to make the Constitution correspond to the fifth Saeima election law) are adopted.

Recommendation 26 (b)

The 16 years' residency requirement mentioned stems from the 15 October 1991 Latvian Supreme Council resolution on the renewal of the Republic of Latvia citizens' rights and fundamental principles of naturalization. As to naturalization principles this resolution is not legally binding on the current Latvian Saeima.

The governing coalition's draft citizenship law, which was approved at the Saeima's 25 November 1993 plenary session, currently states a 10-year residency requirement, counting retroactively from the individual's submission of his/her naturalization application.

Recommendation 26 (c)

On 23 November 1993, the Latvian Government at its Cabinet meeting suspended Mr. Maris Plavnieks from his position as Director of the Citizenship and Immigration Department for a 10-day period pending review of his work by a special Government-appointed task force, headed by Mr. Romans Apsitis, Parliamentary Secretary of the Ministry of Justice. The concerns raised on this point will be reviewed by this task force as they were reviewed by the Saeima Standing Committee on Human Rights at its 9 November 1993 meeting. The Saeima Human Rights Committee recommended that the Government create a task force to review the work of the Department's management and create an independent review/appeal institution that would review and audit the work of the Department and review appeals of Department decisions.

Recommendation 26 (d)

On 4 May 1990, the Latvian Supreme Council ratified 51 international instruments relating to human rights, including the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live of 13 December 1985. The rights stated therein are, for the most part, guaranteed by the 10 December 1991 Latvian Constitutional Law "The rights and obligations of a citizen and a person" (which is the equivalent of the Bill of Human Rights article of the Constitution).

The Saeima has not yet adopted a law which clarifies the legal status of those non-citizens who entered or were born in Latvia's territory between 17 June 1940 (date of the Soviet occupation of Latvia) and 1 July 1992 (the date upon which the current law regulating entry and residency in Latvia took effect).

It is not anticipated that the Saeima or the Latvian Government will adopt any measures that would be in conflict with the above-mentioned Declaration of 13 December 1985.

Recommendation 26 (e)

The governing coalition's draft citizenship law states that all applicants for Latvian citizenship naturalization should have a conversational level of Latvian language ability, but exempts persons over 65 years of age from this requirement.

Recommendation 26 (f)

Currently, only cooperative apartments can be legally transformed into privately owned property and can be privatized by Latvian citizens and non-citizens alike. Other types of apartments (except for entire apartment buildings previously owned as of 17 June 1940 by individuals, whether Latvian citizens or non-citizens), are still not subject to legal privatization, since no law has yet been adopted by the Saeima.

As far as the laws regarding land and houses previously owned by individuals as of June 1940 the Latvian Government is reviewing these laws from an equity basis.

Recommendation 26 (g)

See information recommendation 26 (f). Land ownership is restricted to Latvian citizens, but ownership of houses and apartments is not limited to Latvian citizens. The Central Land Commission reviews appeals of lower-level local government decisions regarding the land ownership rights and claims regarding rural and urban land. Local municipal governments have special commissions which review claims for houses and buildings. All decisions may be appealed to the Court.

Recommendation 26 (h)

Steps are being undertaken to strengthen dialogue with the National Cultural Society Association.

Paragraph 16 of the Latvian Law about the unrestricted development and right to cultural autonomy of Latvia's nationalities and ethnic groups, adopted on 19 March 1992, read as follows: "Any activity directed toward nationality (ethnic) discrimination or the promotion of national (ethnic) superiority or national (ethnic) hatred is punishable in accordance with existing law."

Recommendation 26 (i)

Currently, the Saeima standing committees are reviewing a proposal to accede to the Optional Protocol to the International Covenant on Civil and Political Rights.

Recommendation 26 (j)

Preliminary discussions regarding such advisory services and technical assistance have been held with the United Nations Development Programme (UNDP) Resident Representative in Riga, Latvia, Mr. Jon Hendra.

Recommendation 26 (l)

Such technical assistance regarding the methodology of teaching and examination of the Latvian language has been among the topics discussed with the UNDP representative in Riga.

Recommendation 26 (m)

The possibility of such technical assistance is being discussed with the UNDP representative in Riga.

Recommendation 26 (n)

Refer to recent developments in United Nations and Special Envoy Tommy Koh's visit to Latvia.